

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56660 of 2018

Arising Out of PS.Case No. -143 Year- 2018 Thana -CHERIYA BARIYARPUR District-
BEGUSARAI

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Kumari Manju Verma @ Manju Verma, wife of Chandra Shekhar Verma,
resident of Village- Arjun Tol, Post Office- Shripur, Police Station- Cheriya
Bariyarpur, District- Begusarai at present resident of 6, Strand Road, Police
Station Sachiwalay, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Central Bureau of Investigation through Umesh Kumar, son of Shri
B. Sahu, Deputy Superintendent of Police CBI/ ACB/ Dhanbad VII/2,
Karmik Bhawan, Dhanbad,Jharkhand.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Kanhaiya Pd. Singh, Sr. Advocate,
Mr. Ranjeet Kumar, Advocate and Mr.
Kundan Kumar, Advocate.

For the State : Mr. Ajay Mishra, A.P.P.

For the C.B.I. : Mr. Bipin Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
CAV ORDER

4 09.10.2018 This application has been filed by the petitioner for grant
of anticipatory bail in connection with Cheriya Bariyarpur P.S.
Case No. 143/2018 dated 17.08.2018 instituted for the offences
under Sections 25 (1-A) and 26 read with Section 35 of the Arms
Act, 1959, against the petitioner and her husband namely, Chandra
Shekhar Verma.

The instant prosecution relates with the recovery of 50
(Fifty) rounds of live illegal ammunitions made from the
residential house of the accused in course of a search conducted by



the C.B.I. in connection with Case No. R.C. 01(S)/2018 of CBI/SCB/Patna, commonly known as 'MUZAFFARPUR SHELTER HOME CASE', in terms of a search warrant issued by the Special Judge, Muzaffarpur. In the written report made by the Deputy Superintendent of Police, C.B.I., Patna; it has been mentioned that illegal ammunitions i.e. 50 rounds of fire arms cartridges were found/recovered from a *Trunk* kept inside a locked Bed Room of the petitioner and her husband, and on demand, no record was produced in respect of such illegal ammunitions.

The said search list, prepared by the C.B.I. and being mentioned in the written report of the Deputy Superintendent of Police, C.B.I., is also a part of the F.I.R. of the present case, which contains description of the seized articles besides recovery of 50 rounds of illegal ammunitions. In the said search list there being mentioned that 3 (three) Pass Book of different Bank Accounts of the petitioner and a list of applicants of 'State Child Protection Society' were also found and seized alongwith illegal cartridges besides other personal documents i.e. Telephone diaries, Account Statements, Pass Books and bunch of photographs of the petitioner and other family members from the said residential house, in presence of the Bodyguard namely, Mukesh Rajak, Constable No.58, of the petitioner and the Caretaker of the house namely,



Ram Bilash Verma, who informed that the petitioner and her husband had gone to Patna at the relevant time. The said written report further mentions that local police was intimated in-turn a separate seizure memo was prepared in respect of the recovery of the illegal ammunitions. Accordingly, a formal F.I.R. was drawn and registered as Cheriya Bariyarpur P.S. Case No. 143/2018 against the petitioner and her husband named above.

The learned Senior Counsel Mr. Kanhaiya Prasad Singh appearing on behalf of the petitioner submitted that the petitioner has no concern at all with the place i.e., residential house, from where the recovery of 50 (Fifty) rounds of illegal ammunitions being made and the said house is a joint ancestral house of the husband of the petitioner recorded in the name of his great grandfather Chhamman Mahto and there are as many as 50 co-sharers of the house in question and there has been no partition till date among the co-sharers. It has also been submitted that the petitioner and her husband had left the said house way back somewhere in the year 1997, thereafter shifted permanently at Patna for their livelihood. After being elected as an M.L.A. for the first time in the year 2010, the petitioner never thenceforth visited the said residential house. It was further submitted that at present the petitioner, who is a former Minister of the Government of



Bihar, resides in a government quarter being allotted to her in the capacity of Cabinet Minister. In support thereof, a supplementary counter affidavit has also been filed on behalf of the petitioner bringing on record the letter of allotment of the said quarter. Therefore, the learned Senior Counsel further submitted that criminal liability for recovery of the illegal ammunitions/cartridges cannot be fastened against the petitioner herein.

The learned counsel for the State Mr. Ajay Mishra submitted that there has been recovery of 50 (Fifty) rounds of illegal ammunitions along with certain personal documents i.e. three (03) Pass Books of different Bank Accounts of the petitioner, list of applicants of 'State Child Protection Society' and bunch of photographs of the petitioner and her family members from the said residential house of the petitioner and her husband, situated at village Arjun Tol, P.S. Cheriya Bariyarpur, District- Begusarai. Out of the seized illegal cartridges, 15 (fifteen) rounds of 0.3258 bore, 10 (ten) rounds of 8. m.m. bore, 19 (nineteen) rounds of 7.62 bore and 6 (six) rounds of .303 bore, which comes to 50 (Fifty) rounds were found kept in a Steel Trunk in a locked room. The learned A.P.P. also produced the Case Diary of the instant case and referred the statements made by the Caretaker of the house



namely, Ram Bilash Verma, recorded in paragraph 13 of the case diary, who supported the prosecution case before the Investigating Officer and stated that the house in question belongs to the husband of the petitioner. On 17.08.2018, the C.B.I. conducted raid and made a search of the house. In course of search, 50 (Fifty) rounds of cartridges were recovered from there, and copy of the search list prepared by the CBI was handed over to him thereupon, he also put his signature on the same. The said witness further stated that extension work of the house in question is in progress, and the petitioner sometimes used to come and stay there at the house for one and two hours only.

It has been further submitted that in course of search conducted by the C.B.I., 50 (Fifty) rounds of illegal ammunitions and certain documents of having personal and secret nature of the petitioner were found kept there and recovered which clearly inspire belief that she was aware of the existence of ammunitions, therefore, the petitioner is liable for the offences Under Section 25 (1-A)) and 26 read with Section 35 of the Arms Act.

In the facts and submissions referred above, specially taking into consideration the fact that in course of a search made by the C.B.I. in connection with Muzaffarpur Shelter Home case



50 (Fifty) rounds of illegal ammunitions along with certain personal and secret documents of the petitioner, i.e. 03 (three) Pass Books of different Bank Accounts of the petitioner and a list of applicants of 'State Child Protection Society', which was at the helm of affairs of the petitioner only as a Cabinet Minister of the Government of Bihar, being recovered from the locked bedroom of the house, which being indicative to the fact regarding the joint occupation/control of the petitioner over the place of recovery, and considering the presumption available under the law though rebuttable, as ingrafted under Section 35 of the Arms Act, 1959, in my view, the petitioner does not deserve grant of anticipatory bail, therefore, this application is, accordingly, rejected.

The carbon copy of the case diary of Cheriya Bariyarpur P.S. Case No. 143/2018 has been returned to the concerned A.P.P.

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(Sudhir Singh, J)

